

In re Appln. Savicki  
Serial No. 09/979,579

Atty. Docket 492.196

### **REMARKS**

#### *The Pending Claims*

Currently pending are independent claims 58, 79, 97 and 118 and dependent claims 62-78, 84-96 and 102-117.

#### *Summary of the Office Action*

Claims 63-78, 82, 84-96, and 102-117 are objected to because of the informalities that the word "invention" in the first line of each claim does not agree with the preamble of the respective independent claim. Claims 58, 63-79, 82, 84-97, and 102-118 are rejected under 35 U.S.C. 112, second paragraph. Claims 58, 63-69, 79, 82, 84-90, 97, 102-108, and 118 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 5,301,394 to Richardson et al. Claims 70-78, 91-96 and 109-107 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Richardson et al. '394 patent.

#### *Summary of the Amendments*

Applicant has corrected the objected to informality in claims 63-78, 82, 84-96, and 102-117 as suggested by the Examiner. The word "invention" in line 1 of claims 63-78 has been changed to "closure device"; the word "invention" in line 1 of claims 82 and 84-96 has been changed to "slider"; the word "invention" in line 1 of claims 102-117 has been changed to "container". Accordingly, it is believed that the presently pending claims, as amended, obviate the objection. Support for these amendments is fully supported by Applicant's specification (see, e.g., page 15, lines 5-14; page 18, lines 18-25; figs. 5-6 and figs. 14-18).

Additionally the Examiner states on page 3 of the Office Action that "in claims 71, 72, 74, 75, 92, 93, 95, 96, 110, 111, 113, and 114, at line 1 of each claim, it is unclear as to what is meant by either 'will take a set to the first position' or 'will take a set to the second position'." Applicants respectfully submit that the term "take a set" is described in Applicant's specification as meaning self adjust to the width of the fastening strips. (See Applicants specification, page 20, lines 4-27.)

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*Discussion of the Prior Art Rejections*

Claims 58, 79, 97 and 118 have been amended to more clearly define the structure of the invention. Specifically, "occlusion direction" and the structural elements "a first side portion, a second side portion" of the slider were added to claims 58, 79, and 97 to provide proper antecedent basis for the structural limitation "wherein said first and second legs extend inwardly in the longitudinal x-axis towards the occlusion direction from the first and second side portions, respectively" that was added to these claims. Claim 118 was amended to include the term "occlusion direction" to more clearly define the invention being claimed.

Applicant respectfully submits that the detents disclosed in Richardson, the reference relied upon by the Examiner, are structurally different and therefore do not anticipate or render obvious claims 58, 79, 97, and 118. The structural differences of Applicant's invention provide the stated benefit of allowing the use of a continuous process for attaching a slider to the end of the fastening strips in the horizontal X axis, thus reducing the manufacturing costs of closure devices. (See Applicants specification: page 3, lines 21-26).

Since dependent claims 62-78, 84-96 and 102-117 ultimately depend from either claim 58, 79 or 97, it is respectfully submitted that these claims are also not anticipated or rendered obvious by Richardson.

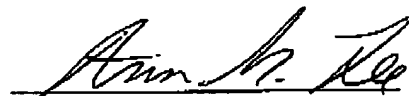
In re Appln. Savicki  
Serial No. 09/979,579

Atty. Docket 492.196

**CONCLUSION**

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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February 24, 2006

File No.: 492.196